IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 6831 of 2004(L)

AGAINST THE ORDER DATED 11/01/2004 IN EP.NO.62/2003 IN OS.146/1999 of PRL.M.C.,ERNAKULAM

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PETITIONERS:

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1. VISWANATHAN K., S/O.KRISHNAN NAIR,
   MAZDOOR, OFFICE OF THE BSO (P) STORES,
   KHATARIBAG, KOCHI-4.

2. MOHANAN S., S/O. SACHIDANANDAN,
   MAZDOOR, OFFICE OF THE BSO (P) STORES,
   KHATARIBAG, KOCHI-4.

BY ADV. SRI.R.MANOJ
SMT.SINDHU MANOJ
SMT.K.SHANTHI

RESPONDENTS:

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1. M/S. COROMANDAL CHITTIES, VYTTILA,
   REPRESENTED BY ITS MANAGING PARTNER V.P. BABU,
   S/O. POULOSE, VENDRAPILLIL HOUSE, EROOR DESOM,
   NADAMA VILLAGE, KANAYANNUR TALUK.

2. THULASI BAI, W/O. BLAZID,
   POZHOTH PARAMBIL HOUSE, KALOOR P.O.,
   ERNAKULAM DISTRICT.

3. K.T.ESMAIL, S/O. ALI,
   DRIVER, LAKSHADWEEP DEVELOPMENT CORPORATION LTD.,
   40/5598 II FLOOR, NEAR PADMA JUNCTION, M.G.ROAD,
   KOCHI.

4. P.HARIDAS, S/O. AYYAPPAN,
   SENIOR KHALASI, OFFICE OF THE INSPECTOR OF WORKS,
   SOUTHERN RAILWAY, ERNAKULAM JUNCTION, ERNAKULAM.

BY ADV. SRI.T.B.THANKAPPAN
SRI.R.GIRISH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 6831 OF 2004

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 : TRUE COPY OF THE EXECUTION PETITION FILED BEFORE THE COURT BELOW.

EXT.P2 : TRUE COPY OF THE OBJECTIONS FILED BY THE PETITIONERS BEFORE THE COURT BELOW.

EXT.P3 : TRUE COPY OF THE ORDER IN EP NO.62 OF 2003 IN OS NO.146 OF 1999 ON THE FILES OF THE PRINCIPAL MUNSIFF COURT, ERNAKULAM DT.11.01.2004.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 6831 OF 2004

Dated this the 14th day of June, 2007

JUDGMENT

No representation for the parties today. Ext.P1 order passed by the execution court attaching the salary of the petitioners is under challenge. The ground which was raised before the court below and is being pursued in this Court is that the petitioners are labourers and therefore their salaries are not attachable in terms of Section 60 H of the CPC. On going through Ext.P3, I find that the learned Munsiff has rightly found that it is only the wages of the labourers and domestic servants which are exempted from attachment, in terms of that Section and that the petitioners who are salaried employees drawing substantial amount are not entitled for that benefit. Guaging Ext.P3 by the yardstick applicable to supervisory jurisdiction under Article 227, I do not find any warrant for interference. The Writ Petition will stand dismissed.

PIUS C. KURIAKOSE, JUDGE

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